

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, N. C.

IN RE MATTER BEFORE
GRAND JURY
FILED UNDER SEAL

No. 3-05-CR-400

UNDER SEAL

APR 5 2006
U. S. DISTRICT COURT
W. DIST. OF N. C.

MOTION TO PARTIALLY LIFT SEAL

COMES NOW the United States of America, by and through the undersigned attorneys for the United States, and respectfully requests this Court to partially lift the seals previously entered on December 6, 2005 and March 15, 2006 with respect to the Bill of Indictment and Letters Rogatory respectively, for the limited purpose of permitting the United States Department of Justice prosecutors to provide Costa Rican justice officials information contained in the sealed documents, so that said Costa Rican officials may effectuate the search which is the object and purpose of the recently issued Letters Rogatory.

FACTS

On December 5, 2005, a grand jury issued a Bill of Indictment, also filed under seal, against Charles Robert Cummins, Eric Brandon Shaw, Joseph Hale, Juan Luis Llamas, and Roberto Alberto Fields Curtis, persons involved in the criminal activities outlined in the Letters Rogatory. That indictment charges the defendants presently located in Costa Rica with violating United States criminal laws by operating a sweepstakes/lottery fraud through which thousands of United States residents have lost millions of dollars.

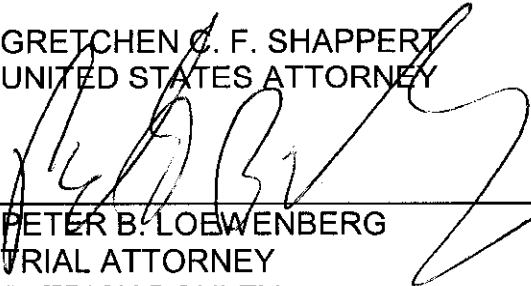
On March 15, 2006, this Court issued Letters Rogatory to judicial authorities in Costa Rica requesting their assistance in that criminal investigation including, including *inter alia* with a search of suspected call centers. The Letters Rogatory request that the appropriate Costa Rican judicial authorities authorize (1) surveillance of particular

defendants and co-conspirators and locations; (2) obtain specific official records and business records; and (3) cause searches to be carried out of various locations and seizures of pertinent and relevant evidence.

In order to carry out the purposes and the directives of the search requested by the Letters Rogatory, the appropriate Costa Rican judicial authorities must be made aware the contents of the Letters Rogatory and Bill of Indictment in *United States v. Cummins*. Accordingly, the undersigned requests that the seal previously entered in this matter be partially lifted as to both of these documents so that they may be shared with appropriate Costa Rican judicial authorities.

Respectfully submitted,

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